

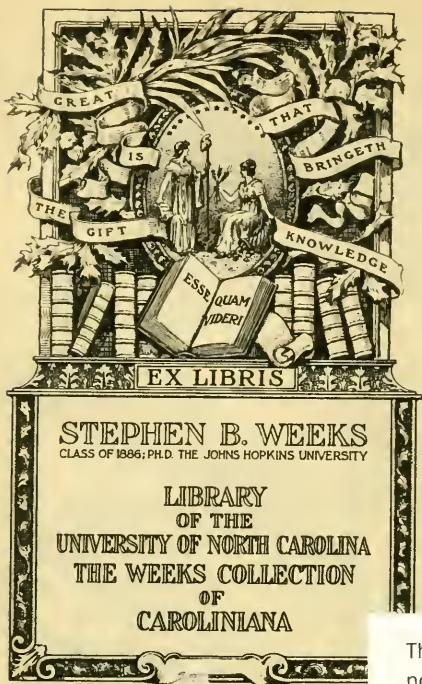
IN MEMORY
OF
EDWARD WILLIAM POU.

PROCEEDINGS OF THE BAR.

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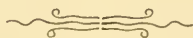
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IN MEMORY

OF THE LATE

EDWARD WILLIAM POU.

PROCEEDINGS OF THE BAR OF THE COUNTY
OF JOHNSTON.



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1892.

PROCEEDINGS OF THE BAR.

At the February Term of Johnston County Superior Court, his Honor Judge H. G. Connor presiding, the following proceedings were had in memory of EDWARD WILLIAM POU, a member of said Bar for twenty-five years, and whose untimely death had occurred on Monday of the preceding term, being the 16th day of November, 1891.

When Court adjourned on Wednesday the 17th day of February, at noon, his Honor announced that the adjournment would be until the following morning out of respect for the memory of the deceased. At three o'clock on the same evening, at a meeting of the Bar, his Honor Judge Connor presiding as chairman, Mr. P. T. Massey and Mr. L. R. Waddell, a committee having been previously appointed for that purpose, reported the following resolutions, which were ordered to be spread upon the minutes of the Court, and which were adopted by a rising vote by all present :

WHEREAS, in the dispensation of Divine Providence we have been sorely stricken in the death of our esteemed and worthy brother, EDWARD W. POU, of Smithfield, N. C.,

AND WHEREAS, we desire to give expression to our appreciation of his faithful and efficient services as an honored and trusted member of the legal profession, and of his noble virtues in the social and private walks of life ; therefore

Resolved, That in the sudden and unexpected death of brother POU, we feel that the Bar of North Carolina and the business community generally, have lost one of their most useful and worthy members, and one whose past services will long be remembered only to be revered and emulated.

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Resolved, That the younger members of the Bar will recall with pleasure his courteous bearing to them and the delight it seemed to give him to render them assistance, and the painstaking aid he so cheerfully bestowed when his legal advice was solicited: and the older members will long remember his quiet and dignified demeanor, his social intercourse, his manliness of character, strict integrity, merit and worth.

Resolved, That as a man he was of kind heart, tender sympathies and noble impulses; a devoted husband and indulgent father; a true friend and one whose friendship was valuable because it was sincere and unaffected. He leaves a good name, a reputation unspotted and untarnished—a priceless legacy to posterity—and his example should inspire those who follow to higher aims and more exalted ends.

Resolved, That in all the trusts confided to him by the people he was ever faithful and true to their interests, and proved himself to be a true friend of liberty and the rights of the people. He was truly a friend to the poor and the oppressed, and was always ready to extend his aid in their behalf when he believed their cause to be just. He was a man of untiring industry, strong conscientious convictions, and unfaltering in his determination to do the right and oppose wrong in all his transactions both public and private.

Respectfully submitted,

P. T. MASSEY,

L. R. WADDELL,

Committee.

REMARKS OF HON. F. H. BUSBEE.

The resolutions having been read, Hon. F. H. Busbee, of Raleigh, arose and said :

MR. CHAIRMAN :

The reputation of a North Carolina lawyer is at best short-lived. While actively engaged in practice he fills a comparatively large space in the limited field of his labors, but when the last brief is laid aside, and "dust to dust" falls in solemn accents, his name and his virtues soon fade from the recollection of mankind. So it will be with EDWARD W. POU, and so, my brethren, it will be with you and me. To-day, while the dockets bear his name on every page, and the court-house seems dreary for the lack of his cordial greeting, in accordance with the well-known custom of our profession it is well that his brethren should lay aside the contentions of the legal forum and assemble together to do honor to the memory of their friend and brother.

It is as far from my intention, as it would be foreign to his inclination, to indulge in language of unmeasured panegyric. Concerning a life like his, the simple truth is the most fitting eulogy. It is my purpose to-day to pay a brief tribute to the character of a man whom in life I honored, and whose memory I shall forever cherish. My hand-clasp of sympathy is at least warm from the heart.

EDWARD W. POU was born in Orangeburg, South Carolina, on October 26th, 1830. His father, Joseph Pou, was of French ancestry, and during his long life of usefulness attained considerable distinction as a lawyer. The family removed to Talbotton, Georgia, in the year 1834, and the early life of our friend was passed in that State. At eighteen years of age he entered the University of Georgia and at once gave evidence of his intellectual powers. During

his whole college career he took high rank in that institution, and graduated in 1851 with the highest distinction of his class. In fact, up to that time no student had equaled his general average in the University classes. He always retained his fondness for and familiarity with the classics. Upon leaving college he married very early in life, his wife who was Miss Carter, of Talbotton, living but a short time. Some years afterwards, by his happy marriage to Miss Annie M. Smith, he became partly identified with North Carolina and with Johnston County. In later years this identification was to become complete. Having obtained a license, and recognizing the great promise of the future metropolis of Georgia, he removed to Atlanta to enter upon the practice of his profession. The clouds of war were already gathering dark upon the horizon. His attachment to the Union was intense, and was the dominant influence in his political life. In the great political campaign of 1860 he gave his adhesion and his personal services to the cause of the Little Giant of Illinois, Stephen A. Douglas, and Herschel V. Johnston, the Georgia candidate for Vice-President. He knew the hopelessness of the outlook and felt the chill waters of the rising tide of sectionalism, but he was determined to go down with the ship, and be faithful to his convictions as long as fidelity to the Union was not want of faith to Georgia. But when the inevitable issue came, and the shot at Sumpter called a nation to arms, he hesitated not a moment. Among the first to volunteer, he was commissioned as First Lieutenant and entered the field with bright prospects of promotion. His army experience was short. Stricken with disease at Yorktown he was compelled to abandon the life of the camp, and after that he uncomplainingly gave his services to the Confederacy in aiding to manufacture the munitions of war.

In 1867 he removed to North Carolina, and, settling upon the lands inherited by his wife, devoted his attention to

agriculture. In 1868 he was elected to the House of Representatives from Johnston County as a Republican. This is not the time to characterize the profligate corruption of the General Assembly of which he was a member. It is a part of the history of the State upon which no one will willingly dwell. It is enough to say that EDWARD W. POW was found among the ranks of the faithful few who opposed the extravagant appropriations by every means in their power. As to his own per diem, believing that the amount paid was excessive, upon his return to the county he devoted a considerable part of it to a work of public improvement. The causeway across the low-grounds of Neuse river, affording the only access to Smithfield from that direction in high water, was constructed from this money. Though he had not practiced law in the courts of the State, when the question of the legality of the issue of special tax-bonds was before the Supreme Court, he thought it a matter of public duty to appear before that tribunal and represent the cause of the endangered taxpayers. He was successful as to a small portion of the bonds, and his argument, which voices the present settled policy of the State, is highly complimented in the opinion of the Court. This was his last important public office.

In 1872 he warmly espoused the cause of the Liberal Republicans, and in the memorable Greeley campaign he was nominated by both the Liberal Republican and the Democratic Conventions as a candidate for Elector-at-Large, and made a partial canvass of the State.

For some years after his removal to North Carolina his sole occupation was that of a farmer, and in that great profession, the foundation stone of the State's existence, he attained much success. His close identification with the soil, which is perhaps more frequently the case with North Carolina lawyers than with those of any other State, gave him great familiarity with all the phases of agricultural

questions when they came before the courts. It also intensified the love of Nature which seemed to be interwoven in his very constitution. He loved the solitude of unbroken woods, the sweet springtime odor of freshly turned earth ; the low murmur of the river, the red gleam of the cardinal bird among the reeds, the whistle of the thrush in the thicket. He loved to walk

“Along gray roads that run between deep woods
Murmurous and cool, through hallowed slopes of pine.”

About the year 1875 he began regularly the practice of law in the courts of Johnston County, and he continued in the labor of his profession up to the day of his sudden death. Returning to the bar after so long an interval, he always had a profound distrust of his own abilities, and his modesty was frequently carried to such an extreme that it became a fault. Yet, moderate as was his estimate of his own powers, he was quick to appreciate and free to admire the abilities of others.

“And who could blame the generous weakness,
Which, only to thyself unjust,
So overprized the worth of others
And dwarfed thy own with self-distrust.”

He did not profess to be a profound jurist, but he was a good lawyer, a safe counsellor. As an advocate he had considerable power, and some of his arguments within these walls were well worthy to rank with those of the distinguished lawyers who have adorned the history of the Bar of Johnston County. Practical, logical, earnest, filled with apt illustration and classical phrase, his arguments always gained additional weight by the personality of the man. The jury always believed that Mr. POU was saying what he believed himself. Notably, I remember his concluding speech in the great mill case of Sanders against Avera, which won from a reluctant jury a verdict upon the first issue.

Ah! when we recall the incidents and persons connected with that trial, we are brought face to face with the brevity of human life, the vanity of human hopes. Plaintiff and defendant; many of the witnesses; Mr. Dortch, the venerable father of the bar, whose memory we will ever keep green within our heart of hearts; Mr. Abell, the Clerk of the Court at that time; and Mr. Pou—all have gone before into the land of shadows.

Of late years it has been, and is, a cheap and common fashion in many places to inculcate a prejudice against lawyers. It is such a convenient way to play the demagogue, so easy to become a stirrer-up of strife, that many there be who in that manner seek to attain a notoriety otherwise beyond their hopes. I am glad to say that such has not been the case in this county. The lawyers of North Carolina need no defence at my hands. Bad men among them there doubtless are; men who cast discredit upon the profession they disgrace, and who are enabled, by the very power of the profession itself, to do much harm. But as a class, lawyers may safely challenge the verdict of the history of the State. They have been in times of danger the foremost defenders of liberty—the faithful guardians of the law. When the great highways are broken up, they constitute one of the essential, conservative forces that give tone and stability to the Commonwealth. Over the dead body of my friend, I can safely ask if any man can point to the evil he failed to combat, to the citizen he ever wronged, to the friendless he ever failed to champion, to the falsehood he ever supported? It was in the performance of the daily duties of the office lawyer that the good qualities of EDWARD W. POU were most apparent. His qualifications were his unswerving integrity, his devotion to his clients' interests, his caution in giving advice, his correct knowledge of the statute and common law, and his thoughtful industry. I think he

regarded, as I do, the cases which he was enabled to keep off the docket as of more credit to him as a lawyer than those he brought. He was largely intrusted with the investment of money for non-residents, and in that way was often enabled to be of much service to his people. As an attorney and as a man, he had the confidence of citizens and of his brother lawyers in a preëminent degree. That eminent and noble lawyer of whom I have already spoken, Mr. William T. Dortch, often expressed to me his high appreciation of the many virtues of our dead friend.

One distinguishing trait Mr. Pou always exhibited—one I can recommend to your imitation as well as my own—was the great deference shown by him to the Presiding Judge. Never, by an act or word, did he indicate his personal dissatisfaction with the ruling of the Court, but invariably yielded to adverse decisions with dignity and courtesy.

And thus, in the faithful performance of the duties of his profession, passed the life of an honest, tender-hearted gentleman, loved most by those who knew him best. Of the sudden and terrible accident which terminated his life I cannot trust myself to speak. His last words were of thoughtful provision for the comfort of the animals under his charge. Throughout his entire life he never proved unfaithful to a friend or false to a principle. Upon his soul at death's sudden summons there rested the calm that of right belonged to one who had never knowingly wronged a fellow-being. He felt an infinite charity for every suffering heart. He believed—

“That not one life shall be destroyed,
Or cast as rubbish to the void,
When God has made the pile complete.”

From his youth he was an unflinching advocate of liberty. Fettered not by iron-clad dogma, he accepted the sacred mystery of the Atonement, and revered God as the tender Father, not as the dread Avenger. He was a man

whom dumb animals trusted, and in whose arms little children instinctively clung. In him the weak always found a defender, and no friendless suitor sought his aid in vain.

The community in whose midst his upright life was passed honored him with their unshaken confidence, and never once was that confidence misplaced.

This is hardly the occasion to portray his beautiful home-life. A husband who gave his helpmeet perfect confidence and unfailing love; a father devoted to his children, preferring their advancement to his own; always just and always tender. And now he rests forever.

“The doubts we vainly seek to solve,
The truths we know are one;
The known and nameless stars revolve
Around the Central Sun.
And if we reap as we have sown,
And take the dole we deal,
The law of pain is love alone,
The wounding is to heal.”

LETTER OF HON. HENRY PERSONS.

Mr. L. R. Waddell, by request, read the following communication from Hon. Henry Persons, of Talbotton, Georgia:

“I confidently believe that a few lines from a Georgia village in which the late EDWARD WILLIAM POE passed thirty years of the morning of his life, and written within an easy stone-throw of the homestead which claimed him as an inmate from letterless childhood to scholarly manhood, need importune no greeting from those who have met to honor his memory.

Indeed, it seems to the writer that a view looking forward from his cradle and compassing the formative period of his life career, and another looking backward from his grave and surveying the same in its ample maturity, are alike needful for a just estimate of him, who in promise and performance secured the love of many and the respect of all.

EDWARD WILLIAM POU was but true to his lineage in having been fully honorable, and his eminent ability was surely an inheritance. His father was thoroughly sensible and strictly honest. He virtuously withstood countless temptations through ninety years, and apparently without effort conserved an unsullied character, which was at all times above criticism and beyond vicissitude. His mother was easily first among all her associates in mental and moral equipment, and infinitely excelled in all those graces and accomplishments which made her a prime social force and a benign example. Hers was, in truth, the best type of exalted womanhood. From such auspicious parentage the lamented deceased had origin, and the high expectation incident thereto never abated from disappointment, but confidently rose with his successive achievements.

His mind proved to be both sagacious and truthful, his powers of analysis acute and accurate, his diligence unflagging, his temper calm, and the goal of his ambition was excellence and not triumph.

Whether at school or college, he stood at the head of his classes, and not even briefly did vexing problems confound him with mystery. He trod the arch of the sciences with an easy and uniform pace, nor once stumbled, nor was strain evidenced by any fatigue.

I followed him at his *Alma Mater*, and he had left behind him the reputation of having attained the most thorough scholarship of any of its long list of graduates.

He was yet young in professional life when he quitted us for his Carolina home (and, alas! forever), but his contemporaries at the bar even then reckoned him a good lawyer and well on the way to certain distinction.

His popularity was not limited to age, or sex, or color, but old and young, men and women, white and colored, held him in affectionate regard.

He lacked no trait of character that endeared; he possessed none that estranged; he was, indeed, a charming companion and an inestimable friend.

His humanity was world-wide, his charity boundless and exhaustless, his urbanity perennial — these won the love, and his bright intellect and his sturdy manhood the admiration of all whose fortune it was to know him intimately.

"Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report" — these things he thought on.

It was the privilege of none, not even one of the numberless friends of the period of which I write, to shed a tear at his funeral, or to drop a flower on his grave; but dying among a people with whom he had lived for nearly a quarter of a century, perhaps other hearts as loving as theirs throbbed with pain, and they trustfully assume that neither tears nor flowers were wanting to attest the worth of the man.

HENRY PERSONS.

TALBOTTON, GEORGIA.

REMARKS OF MR. L. R. WADDELL.

After reading the communication, Mr. Waddell said:

MR. CHAIRMAN:

It was my privilege to know EDWARD W. POU for the last twenty-five years of his life. My acquaintance with him began immediately after the war. He had removed from the State of Georgia with his family, and came to Johnston County and settled on a farm within sight of the town of Smithfield. He opened a law office in the town and carried on his farm at the same time.

When I first knew him he was in the prime of his manhood, Nature had bestowed on him a vigorous, clear and logical mind, and his conclusions upon any subject presented to him were arrived at logically and with great accuracy of reasoning; and when he had satisfied himself that he was right, whether on questions of law, politics or religion, he was tenacious of his opinions; but if, upon maturer reflections and better reasons, he found himself in error, no man yielded his opinions more promptly and gracefully. As a lawyer, he held a high station at our bar, arguing his cases with great ability, and at no time indulging in unseemly exultation at his triumphs and victories. He displayed all the qualities of a refined and cultivated nature; he had read much and remembered well, and was at all times the most amiable, genial and pleasant of companions; there was no asperity or bitterness in his soul. He loved Nature, and saw the beautiful everywhere, especially did he love his fellow-man. I remember hearing him repeat, with suppressed emotion and with soft, earnest, pathetic voice, this beautiful little poem:

Abou Ben Adhem may his tribe increase,
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said,
"What writest thou"? The vision raised its head,
And with a look made of all sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerily still, and said, "I pray thee then
Write me as one who loves his fellow-men."
The angel wrote and vanished. The next night
It came again with a great wakening light
And showed the names whom love of God had blessed—
And lo! Ben Adhem's name led all the rest.

I thought then, and have frequently thought since, how well the poet had delineated EDWARD W. POT in the sentiment of this poem; few men possessed a higher classical education, and few finer literary tastes—he was the soul of honesty and truth, and perfectly sincere; his friendship was to be highly valued, for it was deep and abiding. His honesty was of that character that would do himself an injury rather than another should be sufferer from any act of his. He was a man of the greatest purity of character and morals, and the force of his example will be long felt in the community in which he lived for twenty-five years.

There has gone forth from the members of this Bar the sound, well-equipped, honest lawyer; from the home and social circle has gone the high-toned, amiable, genial companion, the gentle, tender, devoted husband and father; and from the public the wisest and truest of advisers and counsellors. Life is a narrow strip between the vast ocean of the past and the vast ocean of the future. We crowd and press each other on this narrow shoal; the dead are buried by the living, who in their turn are buried by the

living, and what is it all at last with our bodies but "earth to earth, ashes to ashes, dust to dust;" but the true man, the spirit, indestructible, immortal, untainted, rises brightly and gloriously from the body, and passes onward and onward to the light, meeting only and at last in the smile of an approving God.

REMARKS OF MR. P. T. MASSEY.

Mr. P. T. Massey said :

MR. CHAIRMAN :

A sense of duty impels me to say a few words in support of the resolutions—not that I consider them needful to the passage of the resolutions, for I take it for granted that nearly everyone present, and especially every member of the Bar, knew Mr. POU sufficiently well to know that every statement contained in the resolutions is emphatically true, and they might be expressed in much stronger terms than set forth in the resolutions. I knew Mr. POU intimately for twenty-five years, and was associated with him in the practice of the profession for about fourteen years, and consequently I feel that I knew the man doubtless as well as anyone in the community, save his immediate family, and I have no hesitation in saying that he was by nature one of the best men I ever knew—yes, I may say the best—for in all our intercourse and associations together I never heard him speak to the detriment or injury of a single individual in any spirit of enmity or ill-will toward that individual. Of course I have heard him speak of the faults and shortcomings of individuals wherein they did wrong, failed to perform their promises, etc., but it was always in a spirit of pity or sympathy for them, rather than in any spirit of ill-will or unkindness for them. And in all the transactions between Mr. POU and myself

during the whole of our association together, there was never the least difference or unkind feeling between us, but, on the contrary, our relations were most agreeable, pleasant and mutually confiding in each other. And as I have said before, I will say again now, that I would have trusted him further in every particular than any man living at the time of his death. He was one that was worthy of trust and that you could rely upon to perform the trust in good faith—as a fact he was worthy of the most responsible trust or position that could have been conferred upon him and he would have discharged the duties thereof with the utmost fidelity, and in a manner that would have reflected credit and honor upon such position or trust.

As stated in the resolutions, he was unfaltering in his determination to do what he conceived to be right, while, on the other hand, he was just as unfaltering in his determination to do nothing he believed to be wrong. In fact, I do not believe he could have been induced to do a thing he conscientiously believed to be wrong under any reasonable circumstances. And in the practice of the profession he always wanted to be on the side he believed to be right. I have often noticed him when clients would come to consult him about their cases. He would first make a strict inquiry as to all the facts and surrounding circumstances, endeavoring to have them state the facts against them as well as those in their favor, and after a thorough investigation, if he arrived at the conclusion they were in the wrong, or their cause was not strictly just, although the law might be to some extent in their favor, if suit had been brought and then pending he would advise them to settle the matter by compromise or in some way; and if suit had not already been brought, he would advise against bringing suit. Although he was a lawyer, he was not a man to encourage litigation unless it was imperatively necessary to enforce justice and equity. In fact, it was very unpleasant

to him to see strife and contention between parties, but he always rejoiced to see pleasant and friendly relations existing between all mankind. His convictions were such that he could not work with true energy and vigor when his conscience intimated to him that the cause for which he was contending was not strictly just; but, on the contrary, when he felt that the cause for which he was contending was right, I never saw an attorney that would exert himself more, or that was more zealous for the success of his client's cause than he was. He put his whole soul and strength in the cause, and nothing that he could do, in a legitimate way, was left undone. I have often known him to go miles in the country to assist his client in getting up points of evidence to be used in his case. And at the final determination of the suit, if his client was defeated, I have often thought that it really hurt him worse than it did his client, and actually, if he had been a man of means and felt able to do so, I am satisfied he would have paid the costs himself rather than have his client do it; and although he was so much mortified at the result, you never heard him say a harsh word against a single individual concerned in the case—not even a witness—he abided the result like a true philosopher, or quietly took an appeal if he saw hopes of success in the higher court.

He was a man that intended to do right toward all, and to give no one any grounds, not the slightest, to blame or distrust him as to any of his dealings or transactions. I have often heard him quote the scriptural injunction, "Therefore, in all things whatsoever ye would that men should do to you; do ye even so to them"; and in my honest opinion no man ever carried out this injunction in its true spirit nearer than brother POW did. But I have often thought that he carried it too far—that is, that he would do more in the way of favors for others than he would have permitted them to have done for him under

the same or similar circumstances. I could cite instances where he has paid money to clients and others when he was not legally or morally bound to pay it, and which could not with any degree of reason have been demanded by the parties; but rather than have the most remote question as to his diligence or want of attention to the matter, he would pay it. I know of some claims he held for collection just in this situation, which he paid himself, and which never have been collected, and, in fact, never could have been collected. Herein is where I say he went beyond the injunction I have just quoted. He was so constituted that he could not allow the least intimation of blame to be attributed to him about any of his transactions.

Mr. Chairman, it is with no little degree of diffidence that I have attempted to say anything whatever on this occasion — feeling conscious of my weakness and inability to do justice to the cause—but, under the circumstances, I felt that I could not refrain from saying a few words by way of tribute to the memory of one I admired so much and loved so well, and one that had been such a true and valued friend to me; and he was not only a friend to me and others individually, but he was also a friend to humanity generally, in upholding and maintaining those virtues which elevate and adorn society; in teaching them lessons of industry, honesty, integrity and fair and upright dealings in all their transactions and associations. And Mr. POT was not only a good man, as all those best acquainted with him will testify, but he was also in reality a great man — not by way of show and demonstration — for he was always plain and modest in all his dealings; but he was great in the possession of those virtues which constitute true greatness — ever contending for the right, with kind and tender feelings for all, and imparting valuable and useful information and words of wisdom to all he came in contact or association with.

Binder
Gaylord Bros.
Makers
Syracuse, N. Y.
PAT. JAN 21, 1908

